

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Economic Development and Technology, to which was referred House Bill No. 1135, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1       Page 2, line 4, delete "an LSA document number under this  
2       section." and insert "a written or an electronic authorization to  
3       proceed from the publisher under subsection (g).".

4       Page 2, line 33, delete "estimated date that the material will" and  
5       insert "date that the publisher intends to include the material in the  
6       Indiana Register. After:

7               (1) establishing the intended publication date; and  
8               (2) receiving the public hearing information specified in  
9       subsection (d) from the agency;  
10      the publisher shall provide a written or an electronic mail  
11      authorization to proceed to the agency.

12      SECTION 3. IC 4-22-2-31 IS AMENDED TO READ AS  
13      FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31. (a) After an agency  
14      has complied with section 29 of this chapter, or with IC 13-14-9-9(1)  
15      or IC 13-14-9-9(2), as applicable, the agency shall submit its rule to the  
16      attorney general for approval. The agency shall submit **the following**  
17      **to the attorney general:**

18               (1) The rule in the form required by section 20 of this chapter. ~~and~~  
19               with:

20               (2) The documents required by section 21 of this chapter.

21               (3) **Written authorization to proceed issued by the publisher**

under section 24(g) of this chapter.

**(4) Any other documents specified by the attorney general.**

(b) The attorney general shall determine the number of copies of the rule. ~~and other documents to be submitted under this section.~~

Page 2, delete lines 34 through 36.

Page 3, line 37, after "only." insert **"However, the publisher shall distribute a printed copy of the Indiana Register to each federal depository library in Indiana.**

**(c) The publisher may meet the requirement to publish the Indiana Register electronically by permanently publishing a copy of the Indiana Register on the Internet."**

Page 4, line 8, after "only." insert **"However, the publisher shall distribute a printed copy of the Indiana Administrative Code to each federal depository library in Indiana.**

**(d) The publisher may meet the requirement to publish the Indiana Administrative Code electronically by permanently publishing a copy of the Indiana Administrative Code on the Internet."**

Page 4, after line 20, begin a new paragraph and insert:

"SECTION 8. IC 13-14-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as provided in subsection (b), the department shall provide notice in the Indiana Register of the first public comment period required by section 2 of this chapter. A notice provided under this section must do the following:

(1) Identify the authority under which the proposed rule is to be adopted.

(2) Describe the subject matter and the basic purpose of the proposed rule. The description required by this subdivision must include a listing of all alternatives being considered by the department at the time of the notice and must set forth the basis for each alternative.

(3) Describe the relevant statutory or regulatory requirements or restrictions relating to the subject matter of the proposed rule that exist before the adoption of the proposed rule.

(4) Request the submission of alternative ways to achieve the purpose of the proposed rule.

(5) Request the submission of comments, including suggestions of specific language for the proposed rule.

(6) Include a detailed statement of the issue to be addressed by adoption of the proposed rule.

(b) This section does not apply to rules adopted under

IC 13-18-22-2, IC 13-18-22-3, or IC 13-18-22-4.

**(c) The notice required under subsection (a) shall be published electronically in the Indiana Register under procedures established by the publisher.**

SECTION 9. IC 13-14-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **(a)** The department shall provide notice in the Indiana Register of the second public comment period required by section 2 of this chapter. A notice provided under this section must do the following:

(1) Contain the full text of the proposed rule, as provided under IC 4-22-2-24(c).

(2) Contain a summary of the response of the department to written comments submitted under section 3 of this chapter during the first public comment period.

(3) Request the submission of comments, including suggestions of specific amendments to the language contained in the proposed rule.

(4) Contain the full text of the commissioner's written findings under section 7 of this chapter, if applicable.

(5) Identify each element of the proposed rule that imposes a restriction or requirement on persons to whom the proposed rule applies that is not imposed under federal law.

(6) With respect to each element identified under subdivision (5), identify:

(A) the environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement to protect human health and the environment;

(B) examples in which federal law is inadequate to provide the protection referred to in clause (A); and

(C) the:

(i) estimated fiscal impact; and

(ii) expected benefits;

based on the extent to which the proposed rule exceeds the requirements of federal law.

(7) For any element of the proposed rule that imposes a restriction or requirement that is not imposed under federal law, describe the availability for public inspection of all materials relied upon by the department in the development of the proposed rule, including, if applicable:

(A) health criteria;

(B) analytical methods;

(C) treatment technology;

- 1 (D) economic impact data;
- 2 (E) environmental assessment data;
- 3 (F) analyses of methods to effectively implement the proposed
- 4 rule; and
- 5 (G) other background data.

6 **(b) The notice required under subsection (a) shall be published**  
7 **electronically in the Indiana Register under procedures established**  
8 **by the publisher."**

9 Renumber all SECTIONS consecutively.

(Reference is to HB 1135 as printed February 9, 2005.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 7, Nays 1.

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**Senator Ford, Chairperson**